

After reviewing the record, the court agrees with Magistrate Judge Shirley's Report and Recommendation. The court thus **ACCEPTS** and **ADOPTS** the magistrate judge's finding of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b).

Order to follow.

ENTER:

s/ Thomas W. Phillips
United States District Judge